

Pamela Roberts
Chief Blackbird Center
Bad River Natural Resources Department
72682 Maple St.
Odanah, WI 54861

Dear Ms. Roberts:

With this letter I am enclosing copies of the documents you requested during the conference call between the Bad River Tribe and EPA on January 25, 2010. To assist the Bad River Tribe in completing the process to obtain EPA approval of the Tribe's water quality standards, Many of these Tribal water quality standards documents were used or developed during the public participation process preceding the Tribes' formal submission of their standards to EPA for approval. The following enclosures are included:

- Tier 1 antidegradation review to protect existing uses and prohibit a lowering of water quality where impairment exists.
- An attempt to address how antidegradation should be handled in general permits.
- Expanded social and economic section including more options for determining social and economic importance.
- An attempt to eliminate two separate antidegradation rules, one for the Great Lakes basin and one for other waters, and compile the requirements under one rule.

However, based on our review, we believe several components of the draft rules appear to be inconsistent with applicable Federal requirements and could result in EPA's disapproval if they are not revised or clarification is not provided to explain how the language is consistent with Federal requirements. We have also provided less significant comments which if addressed would improve the clarity of the rule. We look forward to working closely with IDEM to develop rules that are workable and consistent with the Clean Water Act and federal regulations. My staff and I will be happy to answer any questions IDEM may have about these comments. Please feel free to contact me at (312) 886-6758 or Kathleen Mayo of my staff at (312) 353-5592.

Sincerely yours,

Linda Holst, Chief
Water Quality Branch

Enclosure